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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,209	03/06/2002	Erkki Tanskanen	NC28050-D2	7727
26343	7590	01/28/2004	EXAMINER	
STEVEN A. SHAW NOKIA, INC. 6000 CONNECTION DRIVE MD 1-4-755 IRVING, TX 75039			NGUYEN, KIM T	
			ART UNIT	PAPER NUMBER
			3713	8

DATE MAILED: 01/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/092,209

Applicant(s)

TANSKANEN, ERKKI

Examiner

Kim Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 8, 10-14, 16-21, 23-26, 28, 34 and 35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8, 10-14, 16-21, 23-26, 28, 34 and 35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The amendment filed on November 12, 2003 (paper No. 6) has been received and considered. By this amendment, claims 6-7, 9, 15, 22, and 27 have been canceled, claims 34-35 have been added, and claims 1-5, 8, 10-14, 16-21, 23-26, 28, and 34-35 are now pending in the application.

Claim Objections

1. Claims 18, 24, and 34-35 are objected to because of the following informalities:
 - a) In claim 18, line 17; the claimed limitation "said number" should be corrected to "said game identification number".
 - b) In claim 24, line 2, the claimed limitation "a selection" should be corrected to "said selection".
 - c) In claims 34-35, the claimed limitation "flash memory" should be corrected to "a flash memory".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 17 and 34-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 17 and 34-35, the claimed limitation "said steps" is ambiguous, because it is not clear if the claimed "said steps" implies all the steps described in the corresponding independent claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 8, 10-14, 16-21, 23-26, 28, and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scagnelli et al (US Patent No. 5,816,919).

a. As per claim 1-5, Scagnelli discloses a method for providing electronic lottery game over a telephone game terminal (col. 1, lines 18-20; col. 3, lines 31-33 and 61-64). The method comprises transmitting a game identification number to the telephone handset (Fig. 3B and 3C; and col. 6, lines 45-53), transmitting a plurality of game parameters and receiving data related to selections (Fig. 5A and 5B; col. 7, lines 38-58; col. 8, lines 11-20 and 44-56); calculating win/loss value at the betting service and transmitting the win/loss value to the game terminal

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(col.12, lines 9-11). Scagnelli does not explicitly disclose the wireless network and the wireless game terminal. However, Scagnelli discloses that replacing the wired telephone with a wireless cellular telephone would have been obvious (col. 3, lines 31-33). Further, a cellular telephone having a display and button array would have been well known. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to replace the wired telephone of Scagnelli with a cellular telephone as suggested by Scagnelli in order to facilitate mobility for the player.

b. As per claim 8, storing game identification numbers on a database would have been well known to a person of ordinary skill in the art at the time the invention was made.

c. As per claim 10, 12-14, 16-21, 23, and 25-26, refer to discussion in claims 1, 3, 5, and 8 above.

d. As per claim 11 and 24, Scagnelli discloses logging on to the network (col. 6, lines 6-16 and 56-58).

e. As per claim 28 and 34-35, providing a software configuration to a cellular telephone, implementing a software including instructions to a flash memory would have been well known to a person of ordinary skill in the art at the time the invention was made.

Response to Arguments

Applicant's arguments with respect to claims 1-5, 8, 10-14, 16-21, 23-26, 28 and 34-35 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 872-9306, (for formal communications; please mark "EXPEDITED
PROCEDURE")

Hand-delivered responses should be brought to Crystal Plaza II, Arlington, VA
Second Floor (Receptionist).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is (703) 308-7915. The examiner can normally be reached on Monday-Thursday from 8:30AM to 5:00PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg, can be reached on (703) 308-1327. The central official fax number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

kn

Date: January 23, 2004


KIM NGUYEN
PRIMARY EXAMINER